



City of Seattle

Gregory J. Nickels, Mayor

Seattle Public Utilities

Chuck Clarke, Director

Jay Manning
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

August 31, 2005

Subject: Phase I Municipal Stormwater NPDES and State Waste Discharge
General Permit, May 16, 2005 Draft

Dear Mr. Manning,

Thank you for the opportunity to comment on Ecology's preliminary Phase I Stormwater NPDES Permit. The City of Seattle (Seattle) has provided comments in the following attachments:

1. Attachment 1: Detailed comments related specifically to S2 (Authorized Discharges), S5 (Compliance with Standards), and S6 (Monitoring).
2. Attachment 2: A tracked-changes version of the permit that includes suggested alternative language.

We hope that our comments and suggestions will be helpful in facilitating discussions related to the new permit.

In addition, we have four general comments that emerged during our review process:

1. **Schedule** - As currently drafted, many permit requirements are associated with development and/or implementation schedules that do not reflect a reasonable timeframe for Seattle. Required municipal legal processes (e.g., legislative budget adoption, environmental review, new ordinance approval), public involvement and participation, and technical analysis are all examples of factors that affect schedule. Seattle's proposed changes better reflect the work needed to develop and implement permit requirements.
2. **Coordination** - Seattle agrees with Ecology's perspective that coordination on various permit elements can optimize stormwater programs by facilitating exchange of information, creating consistent protocols, leveraging public funds, and determining areas of research focus. However, coordination requirements in the permit need to: 1) be very clear as to what constitutes coordination, 2) ensure that a Permittee's ability to comply with the permit is not impacted by any other party's

ability to meet coordination obligations, and 3) include a description of Ecology's role in coordination efforts.

3. **Clarity** - There are several areas within the proposed permit where clarity (e.g., definitions, better understanding of minimum requirements, etc.) would greatly improve our ability to comment. Aside from S6 (Monitoring), which we understand is still a work in progress, most areas needing clarification are within S7 (Stormwater Management Program). We have highlighted areas where clarity would be appreciated.
4. **Flexibility within S7, Stormwater Management Program** - Like all those involved in stormwater management, Seattle continues to struggle with the challenge of linking specific management decisions and actions to improvements in receiving water quality. For Seattle, this also relates to the best investment of the public dollar. As currently proposed, to comply with the S7 permit requirements, individually and cumulatively, would require significant degree of effort and resources. While the permit contains many elements that contribute to protection/improvement of water quality, we believe that it is unclear to the larger stormwater community which "combination" of specific actions and corresponding levels of effort are necessary to achieve satisfactory receiving water quality benefit. The appropriate combination of measures may become clearer during the permit's duration. As such, we feel that Ecology should include flexibility within the Permit, particularly S7, allowing adjustments during the permit term, if equivalent or better approaches are determined to produce better environmental return for the public investment.

Lastly, as the City of Seattle is a fully built-out urban area, the focus of our water quality program may be different from those of other Phase I Permittees. With significantly less development occurring than more rural areas of the region, Seattle places a greater emphasis on actions suited to an established, ultra-urban environment. These actions include: 1) the operation and maintenance of our existing stormwater system, 2) a source control program to reduce impacts associated with the urban environment, 3) a retro-fit water quality capital improvement program with an emphasis on priority areas and opportunities, and 4) an education and outreach program with a focus on behavior changes.

Thank you for your consideration of the City of Seattle's comments. We look forward to working with Ecology and other jurisdictions, organizations, and the public to protect and improve our aquatic ecosystems. If you have any questions regarding this letter, please feel free to contact Darla Inglis (206 233-7160) of my staff.

Sincerely,

Sally Marquis, Director
Resource Planning Division
Seattle Public Utilities

cc: Chuck Clarke, Seattle Public Utilities (SPU)
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